IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

CHAMBER SUMMONS NO.6 OF 2007

IN

PETITION NO.684 OF 2004

Vishnu Vithoba Desai. ...Deceased

Rahkumar Dattatraya Bhosale. ...Petitioner.

and

1. Babasaheb Vithoba Desai & others. ...Applicants.

Mr.B.G.Saraf, for Petitioner.

Mr.S.S.Purohit i/b. A.G.Purohit, for Caveators/

CORAM: D.K.DESHMUKH,J.

DATED: 16th March, 2007.

P.C.:-

1. This is a chamber summons taken out for condonation of delay in filing the caveat. There is a delay of 91 days in filing the caveat.

The caveat is being filed in the probate petition. The person who has filed the petition claims to be the brother of the wife of the deceased. The persons who have filed the caveat are the brothers and the sister of the deceased. Really speaking the reasons that have been disclosed for seeking condonation of delay cannot be strictly called as sufficient cause for condonation of delay. But considering the relationship of the applicants with the deceased and their willingness to pay as and by way of cost Rs.20,000/- to the petitioner, in my opinion, considering that the power of the Court to condone delay is to be liberally exercised, the delay deserves to be condoned. Chamber summons is therefore, granted in terms of prayer clause (a) and (b) subject to payment of cost of Rs.20,000/- to the original petitioner. Payment of cost is condition precedent. Cost to be paid within a period of two weeks. The chamber summons is disposed of.